

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

IN RE:

AVANTAIR, INC.

CASE NO. 13-09719-CPM  
(Involuntary Chapter 7)

Involuntary Debtor.

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**PETITIONING CREDITORS' MOTION FOR ENTRY OF ORDER FOR RELIEF**

Pursuant to Section 303(h) of the Bankruptcy Code, the Petitioning Creditors, Soldier Creek Ranch, LLC; Joel Trammell; and Michael L. Allred, as Co-Trustee of Michael L. Allred Revocable Trust, move on the following grounds for the entry by the Court of an order for relief in this case:

1. On July 25, 2013, the Petitioning Creditors filed an Involuntary Petition [Dkt. #1] against Avantair, Inc. (the "Debtor").
2. The Involuntary Petition was appropriately served on the Debtor as shown by the Certificate of Service attached to this Motion as **Exhibit A**.
3. The Debtor filed its Emergency *Ex Parte* Motion of Involuntary Debtor Avantair, Inc. for Extension of Time to Respond to Involuntary Petition [Dkt. #57]. With the concurrence of the Petitioning Creditors, the Debtor sought an extension of time through August 13, 2013, to respond to the Involuntary Petition. The Court entered its consent order granting the Debtor's extension request [Dkt. #58].
4. The Debtor has failed to file any further response to the Involuntary Petition by the deadline set by the Court. Consequently, the Involuntary Petition has not been timely controverted, and the Petitioning Creditors are entitled to the entry of an order for relief pursuant to Section 303(h) of the Bankruptcy Code.

5. The Petitioning Creditors request the entry by the Court of an order for relief on the Involuntary Petition.

6. Section 701(a)(1) of the Bankruptcy Code requires that the United States Trustee appoint an interim trustee. The Petitioning Creditors suggest the appointment of Beth Ann Scharrer, who is serving as the interim chapter 7 trustee appointed by the United States Trustee pursuant to the Order Directing Appointment of Interim Chapter 7 Trustee pursuant to 11 U.S.C. §303(g) [Dkt. #27].

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed using the Court's CM/ECF filing system and served by electronic noticing or U.S. Mail on August 14, 2013, to all parties listed on the LRBP 1007-2 Parties in Interest List and the attached Service List.

/s/ Robert B. Glenn

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